

6 October 1997

Re: NEPA Technical Inquiry 0146 - Revisions to ADM 1095.2

Dear NEPA Call-In User:

This letter is in response to your September 2, 1997 request for NEPA Call-In to query the Environmental Quality Advisory Group (EQAG) about potential revisions to ADM 1095.2, "Consideration of flood plains and wetlands in decision making." Considering the many concerns and comments from the GSA National and Regional offices about floodplain and wetlands guidance, you would like input from the EQAG on ways to revise the order. Specifically, you would like NEPA Call-In to develop an outline of EQAG concerns about floodplain and wetlands guidance.

SUMMARY OF FINDINGS

NEPA Call-In found there were many concerns associated with ADM 1095.2 and siting facilities in floodplains. Most often there was concern expressed about integrating Executive Order (EO) 11988, "Floodplain Management," with EO 12072, "Federal Space Management," and EO 13006, "Locating Federal Facilities on Historic Properties in Nation's Central Cities." There was also concern about which actions apply to the ADM and EO 11988 (lease extensions, continuing actions). Finally, the ADM does not adequately address siting facilities in wetlands.

DETAILED FINDINGS

NEPA Call-In requested input from each of the EQAG members; NEPA Call-In customers who have requested floodplain information; three from the National Office; and one from Property Disposal, Region 5. Our request generated the following comments, concerns, and suggestions:

1. Make the ADM more general and add a detailed section to the NEPA Desk Guide for the specifics.
2. The ADM does not specify if Executive Order (EO) 11988, "Floodplain Management" applies to lease extensions. Lease extensions are not mentioned under the definition of an "Action" or in the applicability section of the ADM.
3. The ADM does not define "Continuing Action."
4. The ADM should clarify who is the "responsible GSA official."
5. Leasing actions in floodplains should be streamlined.
6. The policy should be as concise as possible to avoid burdening the leasing process with requirements that are too time consuming.
7. There should be a way to stream line the process of siting in a floodplain for agencies that are required to be on the waterfront such as the National Oceanic and Atmospheric Administration (NOAA).
8. The issue of EO 11988 vs. EO 12072, "Federal Space Management," and EO 13006, "Locating Federal Facilities on Historic Properties in Nation's Central Cities" needs to be addressed/discussed.
9. The ADM does not adequately address siting facilities in wetlands.

There are stringent requirements under the Clean Water Act (CWA) for siting facilities in wetlands, and these are not mentioned in the ADM. If the site is also in a wetland, merely following the 8-step process will not satisfy the requirements of the CWA. Because of the many requirements associated with construction in wetlands, this issue needs to be addressed in a separate ADM.

10. There needs to be more specific guidance for activities affecting wetlands.
11. Leasing and purchasing of existing buildings in floodplains is consistent with the EO, unless the occupant activity is a "critical action." The ADM order causes GSA to take a much more limited approach to realty actions in floodplains than required by the EO.
12. The definition of critical action, specifically the examples, should be updated to prevent frivolous use by agencies to avoid location in central business areas (CBAs).

NEPA Call-In then reviewed ADM 1095.2 and made the following suggestions:

1. Page 1, Section 2, "Background," item a. The most recent Water Resources Council Guidelines were printed by FEMA in 1986.
2. Page 1, Section 2, item a. The most recent version of the "Unified National Program for Flood Plain Management," was published by the Federal Interagency Floodplain Management Task Force in 1994. The FEMA publication, "Further Advice on EO 11988," should also be referenced here.
3. Page 1, Section 2, item (d) states: "The more detailed requirements of the Flood Plains Order apply to actions which impact both flood plains and wetlands." The floodplains order does not address wetlands. Does GSA mean the process used to site a facility in a floodplain should be used also for wetlands? What about the provisions of the CWA and EO 11990, "Protection of Wetlands"? EO 11990 is discussed somewhat in Section 2, parts f(4) and f(5), but it may be helpful to mention the wetlands order here also, and include a section on the requirements of the CWA and siting facilities in wetlands.
4. Page 2, Section 3, "Responsibilities." The "Responsible GSA official" for actions affecting floodplains or wetlands needs to be clarified. The position in item b(2) does not seem to exist any more.
5. Page 5, Section 1, item (10) states: "When a wetland is located in a flood plain the more detailed requirements of the Flood Plains Order shall be applied." What about the provisions of EO 11990?
6. Page 5, Section 2, item a(1). Should a reference to Flood Insurance Rate Maps be made here?
7. Page 5, Section 2, item a(1). Part 11 should be changed to part II. Should also be changed on page 6, Section 2, item d(1); and page 6, section 2, part f(4).
8. Change text from Flood Plain(s) to Floodplain(s) throughout the Order.

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Sincerely,

(Original Signed)

NEPA Call-In Researcher